

HOUSE BILL REPORT

ESSB 5719

As Passed House - Amended:

April 11, 2005

Title: An act relating to the community commitment disposition alternative pilot program.

Brief Description: Extending the community commitment disposition alternative pilot program.

Sponsors: By Senate Committee on Human Services & Corrections (originally sponsored by Senator Hargrove).

Brief History:

Committee Activity:

Juvenile Justice & Family Law: 3/23/05, 3/25/05 [DPA].

Floor Activity:

Passed House - Amended: 4/11/05, 96-0.

Brief Summary of Engrossed Substitute Bill (As Amended by House)

- Expands the Community Commitment Disposition Alternative program to permit all counties to offer the program.

HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY LAW

Majority Report: Do pass as amended. Signed by 6 members: Representatives Dickerson, Chair; Moeller, Vice Chair; McDonald, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Lovick and Roberts.

Staff: Sonja Hallum (786-7092).

Background:

A juvenile offender who is adjudicated of an offense may be given a sentence by the court based on the statutorily available sentencing options. The majority of the sentences imposed by the juvenile court are standard range sentences. Standard range sentences are calculated based on a grid system using the offender's prior criminal history and the seriousness of the current offense.

If the court finds that a standard range sentence is not appropriate in a specific case, the court may impose a statutorily available alternative sentence. In 2003, ESSB 5903 was enacted and created several new sentencing options, including the Community Commitment Disposition Alternative (CCDA) which was created as a pilot program.

The CCDA permits a court to impose a sentence on the juvenile that allows the juvenile to remain in the community rather than being sent to a Juvenile Rehabilitation Administration (JRA) facility. The sentence may include a short period of confinement in the local detention facility or an alternative to incarceration such as electronic monitoring or home detention.

In order to be eligible for the sentencing alternative, the court must find:

- the juvenile is subject to a standard range sentence of 15 to 36 weeks;
- the offender is ineligible for other sentencing alternatives such as a suspended disposition alternative, a manifest injustice sentence below the standard range, the chemical dependency disposition alternative, or the mental health disposition alternative; and
- the juvenile is appropriate for the disposition alternative considering the juvenile's offense, prior criminal history, security classification, risk level and treatment needs.

In addition, the court must find one of the following:

- placement in a local detention facility will facilitate a smoother reintegration to the youth's family and community;
- placement in the local detention facility will allow a youth to benefit from locally provided programs, school, or employment; or
- confinement in a JRA facility would negatively disrupt services, school, or employment or delay developing those services in the community.

If the court imposes the CCDA, the court will impose a sentence that may include up to one year of community supervision and confinement of up to 30 days in the local detention facility, or an alternative to detention such as electronic monitoring, county group care, day or evening reporting, or home detention.

If the juvenile fails to comply with the terms of the disposition alternative the court may impose sanctions, or may revoke community commitment disposition alternative and require the remainder of the sentence to be served in secure detention.

Summary of Amended Bill:

The amended bill expands the CCDA to permit any county to offer a CCDA program that is limited to 10 beds.

If the court imposes a CCDA disposition, the court will impose a sentence including up to one year of community supervision and confinement of up to 30 days in the local detention facility, or an alternative to confinement such as electronic monitoring, county group care, day or evening reporting, or home detention. The disposition must also include a reintegration plan that includes treatment programs which meet the Washington State Institute for Public Policy's effectiveness standard for juvenile accountability programs.

If the juvenile fails to comply with the terms of the disposition alternative the court may impose sanctions including confinement in secure detention for any of the remaining 30 total

days of detention which a youth may be sentenced to under the amended bill. If the juvenile violates the terms of the CCDA a second time, the court must revoke the community commitment disposition alternative and require that the remainder of the original sentence be served at a JRA facility.

Each county establishing the CCDA program must provide an interim report on the program to the Washington Association of Juvenile Court Administrators by November 1, 2006 and a final report by May 1, 2007.

The bill becomes effective on July 1, 2005.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: The bill takes effect July 1, 2005.

Testimony For: One county was involved in the pilot program. This bill expands the pilot across the state. We can get good results by having services delivered locally. We need to work with families and if the juvenile is across the state it is hard to get good results. Local detention does a good job on short-term detention and long-term supervision. A youth should never serve more than 60 days in detention. There are many alternatives to secure detention including electronic monitoring.

Testimony Against: The sentencing alternative moves us away from the least restrictive options. The youth could serve 60 days in detention where they might have been eligible for placement in a group home. The revocation periods should be restricted. If the disposition is revoked, the JRA has a responsibility to work on after-care.

Persons Testifying: (In support) Senator Hargrove, prime sponsor; and Pete Peterson, Washington Association of Juvenile Court Administrators.

(Opposed) Cheryl Stephanie, Department of Social and Health Services.

Persons Signed In To Testify But Not Testifying: None.